

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION
IN ADMIRALTY

Filed 4/23/10
m89, US DJ

TRITON CONTAINER
INTERNATIONAL LIMITED,
a Bermuda company

Plaintiff,

v.

M/V LEVANTE (ex CAJA
COUNTESS), O.N. 9126730,
her engines, cranes, tackle, equipment,
apparel, and appurtenances, etc., *in*
rem,

Defendant.

Case No.: 2:10cv186

VERIFIED COMPLAINT

Plaintiff, Triton Container International Limited, by its attorneys, CRENSHAW, WARE & MARTIN, P.L.C., as and for its Verified Complaint against Defendant, M/V LEVANTE (ex CAJA COUNTESS), O.N. 9126730, her engines, cranes, tackle, equipment, apparel, and appurtenances, etc., *in rem*, and alleges upon information and belief as follows:

JURISDICTION AND PARTIES

1. This is an admiralty and maritime claim within the meaning of Rule 9(h). This Court has original jurisdiction over this matter under its admiralty and maritime jurisdiction pursuant to 28 U.S.C. § 1333, and this Court's federal question jurisdiction pursuant to 28 U.S.C. § 1331.

2. At all times relevant hereto, Plaintiff was and is a Bermuda company with its principal place of business in San Francisco, CA.

3. At all times relevant hereto, Defendant, M/V LEVANTE (the "Vessel"), IMO No. 9126730, her crane, tackle, equipment, apparel, and appurtenances, etc., *in rem*, is now, or during the pendency of this action will be, within this District.

4. At the time plaintiff's lien arose the Vessel was named "CAJA COUNTESS."

FACTS

5. In or about March 2009, Plaintiff advanced funds to enable the Vessel to make a voyage from Mexico to Houston, Texas.

6. Plaintiff advanced funds upon order of the owner of the Vessel or a person authorized by the owner of the Vessel. The funds were necessary for the continued operation of the Vessel.

7. The principal amount of \$60,471.81 remains unpaid to Plaintiff. Exhibit A.

8. Plaintiff is entitled to a maritime lien upon the Vessel for the full amount it is owed, plus interest, and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

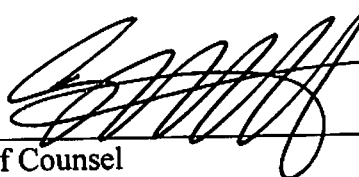
1. That the Court enter judgment in its favor, and against the Vessel *in rem*, for the full amount of its maritime lien, together with pre-judgment and post-judgment interest, and attorneys' fees, disbursements, and costs;

2. That process in rem, pursuant to Admiralty Supplemental Rule C, may issue against the M/V LEVANTE, her engines, cranes, tackle, equipment, apparel, and appurtenances, etc., placing the M/V LEVANTE under the custody and control of the Marshal of this District pending this Honorable Court's determination, and that all persons claiming any right, title or interest in the M/V LEVANTE be cited to file claim, appear and answer;

3. The M/V LEVANTE be condemned and sold to satisfy the above-described judgment of the Plaintiff; and that

4. The Court grant to Plaintiff such other and further relief as the Court may deem just and proper.

TRITON CONTAINER INTERNATIONAL
LIMITED



Of Counsel

Steven M. Stancliff (VSB 73853)
Counsel for Triton Container International Limited
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VERIFICATION

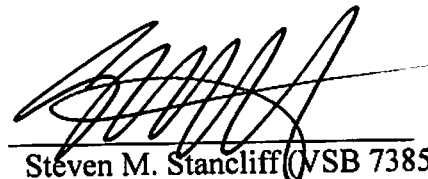
STATE OF VIRGINIA :
City of Norfolk :

1. I am Steven M. Stancliff, an attorney with the law firm of Crenshaw, Ware and Martin, PLC, counsel for the plaintiff in the above matter.

2. I have read the contents of the above VERIFIED COMPLAINT IN ADMIRALTY (In Rem) which are true to the best of my knowledge, information and belief. I base my knowledge on my conversations with the referral counsel, Charles Donovan, of Sheppard Mullin Richter & Hampton LLP and my review of the documents underlying the claim, which have been provided to me by the Plaintiff.

3. I am authorized to verify this pleading on behalf of Plaintiff, as no representative of the Plaintiff is within the District.

4. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Steven M. Stancliff (VSB 73853)
*Counsel for Triton Container International
Limited*